

House Study Bill 33 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to strip searches of persons housed at a jail
2 or municipal holding facility.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 804.30, Code 2015, is amended to read as
2 follows:

3 **804.30 Strip searches.**

4 1. A person housed in the general population of a county
5 jail or municipal holding facility may be subject to a strip
6 search.

7 ~~1.~~ 2. A person arrested for a scheduled violation or a
8 simple misdemeanor who is not housed in the general population
9 of a county jail or municipal holding facility shall not be
10 subjected to a strip search unless there is ~~probable cause~~
11 reasonable suspicion to believe the person is concealing a
12 weapon or contraband. A strip search pursuant to this section
13 subsection shall not be conducted except under all of the
14 following conditions:

15 *a.* Written authorization of the supervisor on duty is
16 obtained.

17 *b.* A search warrant is obtained for the probing of any body
18 cavity other than the mouth, ears, or nose.

19 *c.* A visual search or probing of any body cavity shall
20 be performed under sanitary conditions. A physical probe of
21 a body cavity other than the mouth, ears, or nose shall be
22 performed only by a licensed physician unless voluntarily
23 waived in writing by the arrested person.

24 *d.* The search is conducted in a place where it cannot be
25 observed by persons not conducting the search.

26 *e.* The search is conducted by a person of the same sex as
27 the arrested person, unless conducted by a physician.

28 ~~2.~~ *f.* Subsequent to a strip search pursuant to this
29 subsection, a written report shall be prepared which includes
30 the written authorization required by ~~subsection 1, paragraph~~
31 ~~"a"~~ this subsection, the name of the person subjected to
32 the search, the names of the persons conducting the search,
33 the time, date, and place of the search and, if required by
34 ~~subsection 1, paragraph "b"~~, a copy of the search warrant
35 authorizing the search. A copy of the report shall be provided

1 to the person searched.

2

EXPLANATION

3

The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

4

5 This bill relates to strip searches of persons housed at a
6 jail or municipal holding facility.

7

The bill specifies that a person housed in the general
8 population of a jail or municipal holding facility may be
9 subject to a strip search.

10

Current law provides that a person arrested for a scheduled
11 violation or simple misdemeanor shall not be subject to a strip
12 search unless there is probable cause to believe the person
13 is concealing a weapon or contraband. The bill modifies this
14 provision to provide that a person who has been arrested for
15 a scheduled violation or a simple misdemeanor and who is not
16 housed in the general population of a jail or municipal holding
17 facility shall not be subjected to a strip search unless there
18 is reasonable suspicion the person is concealing a weapon or
19 contraband.

20

The bill also specifies that a written report shall be
21 prepared concerning each strip search of a person who has been
22 arrested for a scheduled violation or simple misdemeanor but
23 not housed in the general population of the jail.